

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
EXECUTION APPLICATION NO. 2225 OF 2016  
ARB. REF. NO. COS/28 OF 2015**

The Cosmos Co-op. Bank Ltd. .... Decree Holder  
V/s.  
R K D Telecom Pvt. Ltd. & Ors. .... Judgment Debtor  
And  
State Bank of India .... Third Party Claimant

Mr. Jayant Gaikwad alongwith Ms. Pushpa Prajapati, Advocate for Decree Holder

**Before : Mrs. Shonali K. Dighe**  
Commissioner for Taking Accounts  
Date : 9<sup>th</sup> October, 2023

**CALLED FOR DECIDING CLAIM / SETTLING PROCLAMATION OF SALE :**

1. Today, the matter is listed under caption 'For Deciding Claim.'
2. Ld. Advocate Shri Vivek Sawant has filed Vakalatnama on behalf of Third Party Claimants i.e. State Bank of India for the property situated in Equal Star Industrial Estate. Ld. Advocate for Decree Holder submits that at present, he is not proceeding further with the flat situated in Equal Star Industrial Estate and R K D Telecom Pvt. Ltd. situated at Unit No. 4.
3. In the present matter after lodgment of Warrant of Sale dated 13<sup>th</sup> October, 2021, Notice to Judgment Debtor under Rule 579 and Notice to Claimants under Rule 581 of Bombay High Court (Original Side) Rules were issued and Affidavit of Service to that effect are already on record.
4. By Warrant of Attachment of immovable property dated 13<sup>th</sup> July, 2017 right, title and interest of Opponent Nos. 2 i.e. Smita Ramesh Dedhia and Opponent No. 3 i.e. Nikita Ramesh Dedhia in their ownership residential premises situated at Flat Nos. 102,103, Vasant Apartment, J.P. Nagar Road No. 1, Goregaon (East), Mumbai – 400 063 and ownership immovable business premises of Opponent No. 1 i.e. R K D Telecom Pvt. Ltd. situated at Unit No. 4, Gujarat Industrial Estate, Vishweshwar Nagar, Off Aarey Road, Goregaon (East), Mumbai – 400 063 and ownership immovable property of Opponent No. 2 i.e. Smita Ramesh Dedhia situated at Unit No. 5, Mezzanine floor and First Floor, Equal Star Industrial Estate, CTS No. 268 at Village Pahadi, Vishweshwar Road, Goregaon (East), Mumbai – 400 063.

5. By letters dated 10<sup>th</sup> March, 2023, the Secretary / Chairman of Equal Star Industrial Estate, Gujarat Industrial Estate and Vasant Apartment were requested to provide the information in respect of the premises mentioned in the said letter. Whereas, till date, this office has not received any reply.

6. Ld. Advocate further submits that Disputant has also filed Execution Application No. 2200 of 2016 and Execution Application No. 402 of 2017 against the Opponent Nos. 2 and 3 and Ors. And Opponent's property situated at Flat Nos. 102, 103 in Vasant Apartment is attached in both the Execution Applications.

7. Opponent No. 3, Nikita Ramesh Dedhia had filed Objection / Third Party Claim Affidavit dated 14<sup>th</sup> March, 2019 in Execution Application No. 2200 of 2016. In the said Affidavit she has stated that she is the absolute owner of the residential premises situated at Flat Nos. 102, 103, Vasant Apartment. It is further stated that Flat No. 103 was absolutely owned by Mr. Ramesh Kanji Dedhia who died intestate on 8<sup>th</sup> September, 2013 leaving behind him his wife, two daughters and one son. It is further stated that by way of registered Release Deed dated 25<sup>th</sup> November, 2014, other legal heirs released their rights in favour of her and therefore, she became the absolute owner of the said flat. It is further stated that Flat No. 102 was absolutely owned by Mrs. Smita Ramesh Dedhia and by way of registered Gift Deed dated 24<sup>th</sup> November, 2014, the said flat was gifted to her by Mrs. Smita Ramesh Dedhia. It is further stated that by virtue of the Release Deed and the Gift Deed, Nikita Ramesh Dedhia is the sole, absolute and lawful owner and the rights, title and absolute interest in the suit premises belongs to her.

8. In view of above, as Advocate for Disputant / Decree Holder at present does not wish to proceed further with the flat situated in Equal Star Industrial Estate and R K D Telecom Pvt. Ltd. situated at Unit No. 4, property situated at Flat Nos. 102, 103 belonging to Opponent No. 3 can be proceeded by issuing Proclamation of Sale.

9. It appears that Affidavit filed by Third Party Claimant in Execution Application No. 2200 of 2016 clearly shows that Opponent No. 3 herein i.e. Nikita Ramesh Dedhia is the absolute owner of Flat Nos. 102, 103 and hence, the said information can be appended in the list of Proclamation of Sale.

10. In view of above, matter is adjourned to 19<sup>th</sup> October, 2023 for settling Proclamation of Sale in respect of property i.e. Flat Nos. 102, 103, Vasant Co-op. Soc. Office to list the matter under caption 'For Settling Proclamation of Sale.'